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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

10   JEREMY STROHMEYER,

11   Petitioner,   Case No. 2:15-cv-01312-RFB-GWF

12   vs.   **ORDER**

13   DWIGHT NEVEN, *et al.*,

14   Respondents.

15

16   This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254

17   by a Nevada state prisoner. Neither a filing fee nor an application to proceed *in forma pauperis* was

18   submitted with the petition. When filing a habeas action, the petitioner must either submit the $5.00

19   filing fee for habeas petitions or an application to proceed *in forma pauperis*. Due to the lack of an *in*

20   *forma pauperis* application or filing fee, the present action will be dismissed without prejudice to the

21   filing of a new petition in a new action with a pauper application with all required attachments. It does

22   not appear from the papers presented that a dismissal without prejudice would result in a promptly-filed

23   new petition being untimely. In this regard, petitioner at all times remains responsible for calculating

24   the running of the limitations period as applied to his case and properly commencing a timely-filed

25   habeas corpus action.

26   **IT THEREFORE IS ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE**

27   to the filing of **a new petition in a new action**.

28

1   **IT IS FURTHER ORDERED** that the Clerk of the Court shall send petitioner two copies of

2   an *in forma pauperis* application form for a prisoner, one copy of the instructions for the same, two

3   copies of a blank 28 U.S.C. § 2254 habeas petition form, and one copy of instructions for the same.

4   **IT IS FURTHER ORDERED** that petitioner may file a new petition in a new action, but he

5   may not file further documents in this action.

6   **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED.** Reasonable

7   jurists would not find the dismissal of the improperly-commenced action without prejudice to be

8   debatable or wrong.

9   **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly

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Dated this 6th day of August, 2015.

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13   _____
    RICHARD F. BOULWARE, II
    UNITED STATES DISTRICT JUDGE

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